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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/799,617
Filing Date: March 15, 2004
Appellant(s): TSUKIMORI ET AL.

Ronald P. Kananen (Reg. No. 24,104)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/21/2009 appealing from the Office action mailed 12/16/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,680,596

Iizuka et al.

10-1997

Applicant's Admitted Prior Art

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 9-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter, "AAPA") and Iizuka et al. ("Iizuka") (U.S. Patent No. 5,680,596).

Regarding Claims 9, 16, 20, 23, and 32, AAPA teaches an editing system comprising:

A computer (AAPA, paragraph 2 under Description of Related Art; i.e., the "personal computer").

A timing notice apparatus having a controller and a timing generation unit, said timing generation unit being adapted to extract frame synchronization information from a reference signal, wherein said frame synchronization information extracted from said reference signal is a timing notice signal (AAPA, paragraph 2 under Description of Related Art; i.e., the component in the "personal computer" that performs the synchronization function is interpreted as the claimed "timing notice apparatus").

AAPA does not expressly teach the computer having a computer interface unit, said computer interface unit being adapted to transmit an acquisition command and to receive a timing notice signal; and

Said controller of said timing notice apparatus being adapted to receive said acquisition command and to transmit said timing notice signal,

Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing of image data.

In the same field of endeavor (e.g., time synchronization among components in a computer system), Iizuka teaches a computer (Iizuka, Figure 2, item 1) having a computer interface unit (Iizuka, Figure 2, item 18), said computer interface unit being adapted to transmit an acquisition command (Iizuka, Figure 5, item SC7, Column 6, lines 28-31; i.e., the "tuning data request command") and to receive a timing notice signal (Iizuka, Figure 5, item SC8, Column 8, lines 31-36; i.e., the "tuning data signals"); and

A controller (Iizuka, Figure 2, item 29) of a timing notice apparatus (Iizuka, Figure 2, item 2) being adapted to receive said acquisition command and to transmit said timing notice signal,

Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing (Iizuka, Column 4, lines 7-10) of image data (Iizuka, Column 3, lines 52-62).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Iizuka's teachings of time synchronization among components in a computer system with the teachings of AAPA, for the purpose of minimizing the data transfer time without causing an erroneous operation in a given operational environment (see Iizuka, Column 1, lines 58-61).

Regarding Claims 10, 19, 28, and 34, Iizuka teaches wherein said computer waits to receive said timing notice signal (Iizuka, Figure 5, item SC8).

The motivation that was used in the combination of Claim 9, *super*, applies equally as well to Claims 10, 19, 28, and 34.

Regarding Claims 11, 17, 21, and 29, Iizuka teaches wherein said acquisition command is transmitted over a universal serial bus (Iizuka, Figure 2, item 3; i.e., it would be obvious to one of ordinary skill in the art to use a USB cable for cable 3 for the purpose of increased data transmission speeds).

The motivation that was used in the combination of Claim 9, *super*, applies equally as well to Claims 11, 17, 21, and 29.

Regarding Claims 12, 18, 22, and 30, Iizuka teaches wherein said timing notice signal is transmitted over a universal serial bus (Iizuka, Figure 2, item 3; i.e., it would be obvious to one of ordinary skill in the art to use a USB cable for cable 3 for the purpose of increased data transmission speeds).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 12, 18, 22, and 30.

Regarding Claim 13, Iizuka teaches wherein said timing notice apparatus receives operating power from said computer over a universal serial bus (Iizuka, Figure 2, item 3; i.e., power can be provided over the USB cable using the V_{BUS} and GND lines).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claim 13.

Regarding Claims 14 and 25-27, AAPA teaches wherein said predetermined timing is from the group consisting of frame timing and field timing (AAPA, Page 1, lines 5-13 under Description of Related Art).

Regarding Claims 15, 31, and 33, Iizuka teaches wherein said computer interface unit transmits said acquisition command in response to a command received through an operation unit (Iizuka, Figure 2, item 11).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 15, 31, and 33.

Regarding Claims 24, 35, and 36, Iizuka teaches re-transmitting said acquisition command from said editing apparatus to said timing notice apparatus, said

editing apparatus re-transmitting said acquisition command upon receipt of said timing notice signal (Iizuka, Figure 5, items SC8 and SC9, Column 7, lines 11-17; i.e., it would be obvious to one of ordinary skill in the art to increase the baud rate for each time a tuning data request command is received, and retransmit the tuning data signals to the computer 1 for the purpose of having the fastest possible baud rate).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claim 24, 35, and 36.

(10) Response to Argument

Appellant's arguments filed 4/21/2009 have been fully considered but they are not persuasive.

At the outset and to summarize the Examiner's position, it appears that the purpose of the instant invention is essentially to take a computer component (i.e., the claimed "timing notice apparatus") that has previously been placed inside of a computer (e.g., using a PCI board), and providing it as an external device (e.g., using a USB connection), see Page 3, lines 6-10. AAPA admits that such an internal PCI board was known in the art, see Pages 1-2, paragraphs 2-3 under "Description of Related Art". The Iizuka reference was used in the rejection in combination with AAPA to show that providing a "timing notice apparatus" as an external device was also known in the art. One of ordinary skill in the art would have taken the teachings of Iizuka and incorporated them into AAPA, for the purpose of avoiding the need to work in close

contact with internal computer components, preventing possible damage to core components of the computer.

Regarding Claims 9, 16, 20, 23, and 32, Appellant argues that "AAPA fails to teach an editing system wherein the frame synchronization information extracted from the reference signal is the timing notice signal." The examiner disagrees. Contrary to Appellant's argument, AAPA does in fact teach this feature. In paragraph 2 under "Description of Related Art", it is stated *"[I]n the conventional editing system, ... a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored ... so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal."* Accordingly, it is clear that AAPA teaches the argued feature.

Also regarding Claims 9, 16, 20, 23, and 32, Appellant argues that "the timing notice signal within the claims of the present invention is frame synchronization information that has been extracted from a reference signal", and "the Office Action fails to show where within Iizuka there is to be found a reference signal." However, as discussed above, AAPA was used to teach the feature of extracting frame synchronization information from a reference signal. AAPA teaches that a personal computer may contain a timing notice apparatus that performs the argued extracting feature, see paragraph 2 under "Description of Related Art" of AAPA. In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Finally regarding Claims 9, 16, 20, 23, and 32, with regards to the combination of AAPA and Iizuka, Appellant argues that "Iizuka fails to disclose the printer 2 as extracting the frame synchronization information from the reference signal." However, as discussed above, AAPA was used to teach this limitation. Iizuka was used in the 35 USC 103 combination to teach that providing a timing notice apparatus as claimed as being a separate device from a personal computer is known in the art. In the case of Iizuka, the printer 2 (equated to the claimed "timing notice apparatus") provides timing information to the computer 1 and is a separate device from the computer 1. Accordingly, the combination of AAPA and Iizuka does in fact teach all of the limitations of the claims.

Therefore, Appellant's arguments with respect to these limitations are not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Faisal M Zaman/
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